

Senate Study Bill 3272

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the rights of a victim of an alleged sexual
2 assault and notification of these rights by a peace officer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6530XC 82
5 jm/nh/14

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1 1 Section 1. Section 709.22, Code 2007, is amended to read
1 2 as follows:
1 3 709.22 PREVENTION OF FURTHER SEXUAL ASSAULT ==
1 4 NOTIFICATION OF RIGHTS.
1 5 1. If a peace officer has reason to believe that a sexual
1 6 assault as defined in section 915.40 has occurred, the officer
1 7 shall use all reasonable means to prevent further violence
1 8 including but not limited to the following:
1 9 ~~1- a.~~ If requested, remaining on the scene of the alleged
1 10 sexual assault as long as there is a danger to the victim's
1 11 physical safety without the presence of a peace officer,
1 12 including but not limited to staying in the dwelling unit or
1 ~~13 residence when it is the scene of the alleged sexual assault,~~
1 14 or if unable to remain on the scene, assisting the victim in
1 15 leaving the ~~residence scene~~.
1 16 ~~2- b.~~ Assisting a victim in obtaining medical treatment
1 17 necessitated by the sexual assault, including providing
1 18 assistance to the victim in obtaining transportation to the
1 19 emergency room of the nearest hospital.
1 20 ~~3- c.~~ Providing a victim with immediate and adequate
1 21 notice of the victim's rights. The notice shall consist of
1 22 handing the victim a copy of the following statement written
1 23 in English and Spanish, asking the victim to read the
1 24 statement, and asking whether the victim understands the
1 25 rights:
1 26 (1) "You have the right to ask the court for help with any
1 27 of the following on a temporary basis:
1 28 ~~a- (a)~~ Keeping your attacker away from you, your home,
1 29 and your place of work.
1 30 ~~b- (b)~~ The right to stay at your home without
1 31 interference from your attacker.
1 32 ~~c- (c)~~ The right to seek a no-contact order under section
1 33 664A.3 or 915.22, if your attacker is arrested for sexual
1 34 assault.
1 35 (2) You have the right to register as a victim with the
2 1 county attorney under section 915.12.
2 2 (3) You have the right to file a complaint for threats,
2 3 assaults, or other related crimes.
2 4 (4) You have the right to seek restitution against your
2 5 attacker for harm to you or your property.
2 6 (5) You have the right to apply for victim compensation.
2 7 (6) You have the right to contact the county attorney or
2 8 local law enforcement to determine the status of your case.
2 9 (7) If you are in need of medical treatment, you have the
2 10 right to request that the officer present assist you in
2 11 obtaining transportation to the nearest hospital or otherwise
2 12 assist you.
2 13 (8) You have the right to a sexual assault examination
2 14 performed at state expense.
2 15 (9) You have the right to request the presence of a victim
2 16 counselor, as defined in section 915.20A, at any proceeding
2 17 related to an assault including a medical examination.
2 18 (10) If you believe that police protection is needed for

2 19 your physical safety, you have the right to request that the
2 20 officer present remain at the scene until you and other
2 21 affected parties can leave or until safety is otherwise
2 22 ensured."
2 23 d. The notice shall also contain the telephone numbers of
2 24 shelters, support groups, and crisis lines operating in the
2 25 area.
2 26 ~~4.~~ 2. A peace officer is not civilly or criminally liable
2 27 for actions taken in good faith pursuant to this section.
2 28 EXPLANATION
2 29 This bill relates to the rights of a victim of an alleged
2 30 sexual assault and notification of the rights by a peace
2 31 officer.
2 32 The bill specifies a peace officer shall remain at the
2 33 scene of the alleged sexual assault as long as a threat to the
2 34 physical safety of the victim remains or, if unable to remain
2 35 at the scene, the peace officer shall assist the victim in
3 1 leaving the scene of the alleged sexual assault.
3 2 The bill also provides that a victim of an alleged sexual
3 3 assault shall have the right to request the presence of a
3 4 victim counselor as defined in Code section 915.20A, at any
3 5 proceeding related to an assault including a medical
3 6 examination.
3 7 LSB 6530XC 82
3 8 jm/nh/14